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District- Banka(Bihar)
Spl. Excise Case no.- 337/2019
State of Bihar vs Ashok Tanti.

FORM A

IN THE COURT OF EXCLUSIVE SPECIAL JUDGE EXCISE Court No.-1

Present:- Sri Kumar Madhvendra,

Exclusive Spl. Excise judge, Court -1, Banka

[Date of Judgment:- 15-05-2026]

[**Spl. Excise Case no. - 337/2019**]

F.I.R. No.:- 279/2019

Crime:- Under Sections- 30(a)(g) of Bihar Prohibition and Excise Act
2016

Police Station:- **Belhar**

INFORMANT	Mr. Binod Kumar
REPRESENTED BY	Mr. Awadhesh Kumar Singh (Ld. Spl. P.P.)
ACCUSED	1. Ashok Tanti , S/o- Nageshwar Tanti, village - Dumrar, P.S.- Belhar, Dist- Banka.
REPRESENTED BY	Mr. Rajeev Kumar (Ld. Adv.) Mr. Rama Kant Yadav(Ld. Adv.)

FORM B

Date of Offence	08.09.2019
Date of F.I.R.	08.09.2019
Date of Chargesheet	19.10.2019
Date of Framing of Charges	06.03.2021
Date of commencement of evidence	06.03.2021
Date on which judgment is reserve	13.05.2026
Date of the Judgment	15.05.2026
Date of the Sentencing Order, if any	

Accused Details

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428 Cr.P.C.
1	Ashok Tanti			30(a)(g) of Bihar Prohibition and Excise Act 2016	Acquitted	N.A	



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FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESS

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS
PW 1	Vinod Kumar	Informant.

B. Defene Witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS
NIL	Nil	

C. Court Witness, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS
Nil	Nil	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution

Sr. No.	Exhibit Number	Description
1	P-1/P.W.1	Signature over Seizure List.
2	P-2/P.W.1	Signature over Arrest-Memo
3	P-3/P.W.1	Written statement.
4	P-4/P.W.1	Registration of F.I.R.

B. Defence:

Sr. No.	Exhibit Number	Description
1	Nil	

C. Court Exhibits

Sr. No.	Exhibit Number	Description
1	Nil	

D. Material Objects

Sr. No.	Material Object Number	Description
1	Nil	

J U D G M E N T

1. The above named accused persons stands charged under section 30(a)(g) of Bihar Prohibition and Excise Act 2016

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2. The case of the informant in brief as made out in self statement of the informant is as follows:-

On 08.09.2019 at about 4:20 PM, he was posted as S.H.O. of Belhar Police Station, he received secret information that illicit country-made liquor was being stored at the house of the accused. On receiving the said information, he along with other police personnel proceeded to verify the same. At about 5:20 PM, the police party reached the house of the accused. On seeing the police force, the accused tried to flee away, but he was apprehended by the police personnel on the spot. Thereafter, the house of the accused was searched in presence of the police party. During search, altogether four litres of illicit country-made liquor was recovered from one room of the house of the accused. On enquiry accused told his name as Ashok Tanti. The recovered liquor was seized and seizure list was prepared according to law. Thereafter, the accused was taken into custody and the present case was instituted against him.

3. On the basis of written report, Police investigated the case. After investigation Investigating Officer submitted the charge-sheet under sections 30(a)(g) of Bihar Prohibition and Excise Act 2016 on 19.10.2019 against accused namely Ashok Tanti and accordingly cognizance of the offence was taken and the accused person was summoned to face the trial.

4. On 06.03.2021 Charge under section 30(a)(g) of Bihar Prohibition and Excise Act 2016 framed, read over to the accused persons to which he pleaded not guilty and claimed to be tried.

5. On 15.04.2026 statement of accused parson has been recorded under section 313 of Cr.P.C in which she denied the case of the prosecution and claimed to be innocent.

6. Defence case in brief is of denial of the entire occurrence and innocence of the accused persons.

7. Now, The point for determination arises as to whether prosecution has been able to bring home the guilt of the accused person beyond the shadow of reasonable doubts?



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FINDINGS

8. The prosecution has produced one witness to substantiate the charge against the accused.

P.W. 1 Binod Kumar (Informant.)

The prosecution has also proved certain documents which are as follows:-

- P-1/P.W.1 Signature over Seizure List.
- P-2/P.W.1 Signature over Arrest-Memo
- P-3/P.W.1 Written statement.
- P-4/P.W.1 Registration of F.I.R.

The defence has not given any defence witness and has not produced any documentary evidence in support of his case.

9. P.W. 1, who is the Informant of this case, has stated in his examination-in-chief that on 08.09.2019 he was posted as S.H.O. of Belhar Police Station. On that day he received secret information from Madh Nishedh, Patna, that one Ashok Tanti of village Dumar was illegally selling liquor from his house. On receiving the said information, he along with Sub-Inspector Mrityunjay Kumar, D.A.P. force and female police personnel proceeded from the police station at about 4:20 PM for verification. At about 5:10 PM, the police party reached the house of accused Ashok Tanti situated at village Dumar. On seeing the police force, one person tried to flee away from the house, but he was chased and apprehended by the police personnel. On inquiry, he disclosed his name as Ashok Tanti. Thereafter, in presence of two local persons namely Santosh Tanti and Suresh Tanti, search of the house of accused Ashok Tanti was conducted. During search, from the north-eastern corner room of the house, about four litres of illicit country-made liquor kept in a plastic dabba was recovered. He further states that the seizure list was prepared in his handwriting and signature, which he identifies and the same was marked as Exhibit P.1/P.W.1. One copy of the seizure list was given to the accused after obtaining his signature. The accused was thereafter arrested. He further states that the arrest memo was prepared in his handwriting and signature, which he identifies and the



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same was marked as Exhibit P.2/P.W.1. He further states that the written report prepared by him at the place of occurrence bears his handwriting and signature, which he identifies and the same was marked as Exhibit P.3/P.W.1. On the basis of the said written report, the present case was instituted. He further states that the formal FIR registration bears his signature, which he identifies and the same was marked as Exhibit P.4/P.W.1. He identifies the accused present in Court. In cross-examination he states that on 08.09.2019 raid was conducted only at the house of accused Ashok Tanti. He does not remember whether raids were conducted at any other place. He further states that village Dumar is situated at a distance of about 9 kilometres from the police station and it took about 20 minutes to reach there. He states that identification of the house of the accused was made with the help of villagers, but he cannot disclose their names. He admits that he cannot describe the boundary of the house of the accused and also does not remember the number of rooms in the house. He further admits that he cannot describe the boundary of the exact place from where the liquor was recovered. He states that after the raid, seizure list was prepared and search was conducted in presence of witnesses. He states that the seized liquor is not present before the Court today. He further states that the accused was arrested from his house itself.



10. Now entering into the appreciation of evidences on careful examination of the evidence of P.W.1 it appears that the prosecution case is based upon the alleged recovery of country-made liquor from the house of the accused persons. Though the prosecution claims that two local witnesses were present during search and seizure, no independent witness has been examined before the Court to support the prosecution story. Thus, the alleged recovery is supported only by police witnesses. PW-1 has stated in cross-examination that the house of the accused was identified with the help of villagers, but he could not disclose the names of such villagers. This creates doubt regarding proper identification of the place of occurrence. PW-1 admitted that he could not state the boundaries of the house of the accused. He also failed to describe the boundaries of the exact place from where the liquor was allegedly recovered. He further stated that he does not remember the number of rooms in the house. Such admissions create

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doubt about the actual search and recovery. Except the statement of the police officer, there is no reliable independent evidence to prove that the accused was engaged in illegal liquor business or that recovery was actually made from his conscious possession. In this case FIR lodged in the year 2019. After investigation police submitted charge sheet on 19.10.2019 and charge was framed on 06.03.2021 and several opportunities were given to the prosecution but prosecution failed to examine the key witnesses i.e., I.O. and seizure list witnesses in this case. It is further to necessary to mention here that no witness has stated that the instructions given in section 82 of Bihar Prohibitions and Excise Act have been complied with, which provides to inform the District Magistrate and Superintendent of police within 24 hours of any search and seizure made by the officers.

11. Hence the prosecution has miserably failed to prove the charge leveled against the accused person beyond the shadow of all reasonable doubts.

Accordingly, it is hereby

ORDERED

That the accused persons namely Ashok Tanti is given benefit of doubt due to lack of evidence and in the result, the accused namely Ashok Tanti is hereby acquitted from the charges leveled against him U/s 30(a)(g) of Bihar Prohibition and Excise Act 2016. He is already on bail, hence his bailors are also discharged from the liabilities of their bail bonds respectively.

File to be consigned to the record room.

Let a copy of this judgment be sent to the District Magistrate.

O/c is directed to issue a letter to concern P.S. for return all unexecuted process.

(Dictated, corrected, signed and pronounced by me in the open court)

Kumar Madhvendra
(Kumar Madhvendra)
Excl. Spl. Excise court no.-1
Banka

Dated- 15.05.2026



Kumar Madhvendra
(Kumar Madhvendra)
Excl. Spl. Excise court no.-1
Banka

Dated- 15.05.2026

